

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-cr-20745

v

Honorable Thomas L. Ludington

TRAVIS LEE KAHGEGAB,

Defendant.

/

**ORDER DENYING WITHOUT PREJUDICE MOTION TO PROCEED IN FORMA
PAUPERIS**

On November 9, 2016, Defendant Travis Lee Kahgegab was charged with three counts related to attempted sexual abuse. Case No. 16-cr-20743, ECF No. 15. On the same day, he was also charged in a separate case with one count of domestic assault by a habitual offender. Case No. 16-cr-20745, ECF No. 1. After a jury trial, Kahgegab was convicted of the domestic assault charge. *Id.* at ECF No. 40. Approximately a month after his conviction in Case. No. 16-cr-20745, Kahgegab pleaded guilty to one count of abusive sexual contact. Case No. 16-cr-20743, ECF No. 35. As part of that plea agreement, Kahgegab waived his right to appeal in both cases, except to the extent he wished to raise a claim of ineffective assistance of counsel. *Id.*

On May 21, 2018, Kahgegab filed a motion seeking court records and investigative reports. ECF No. 46. That motion was denied without prejudice because Kahgegab had not explained what arguments he intended to make in his anticipated motion to vacate his sentence pursuant to 28 U.S.C. § 2255. ECF No. 47. Pursuant to 28 U.S.C. § 753(f), transcripts may be provided to habeas corpus petitioners at public cost “if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.”

The Court also noted that Kahgegab had not provided a financial affidavit of indigency and thus had not demonstrated his entitlement to transcripts at public expense.

Now, Kahgegab has filed a motion for leave to proceed in forma pauperis. ECF No. 48. He indicates that he has filed the motion “in hopes of representing a case that is currently being processed . . . , [n]amely an 28 U.S.C. § 2255” motion. To the extent Kahgegab is requesting leave to proceed in forma pauperis *in order* to file a motion to vacate pursuant to § 2255, no such leave is necessary. Because there is no filing fee for § 2255 motions, Kahgegab should simply file his motion. To the extent Kahgegab is attempting to renew his request for transcripts at public expense, he has not provided a sufficient summary of the arguments he intends to raise for the Court to determine whether they are frivolous.

Accordingly, it is **ORDERED** that Defendant Kahgegab’s motion to proceed in forma pauperis, ECF No. 48, is **DENIED**.

Dated: June 28, 2018

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 28, 2018.

s/Kelly Winslow
KELLY WINSLOW, Case Manager